

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
DECEMBER 11, 2018**

ITEM 7

SUBJECT

CONSIDERATION OF AN PROPOSED RESOLUTION ADOPTING AN AMENDMENT TO THE POLICY FOR WATER QUALITY CONTROL FOR RECYCLED WATER AND STAFF REPORT WITH SUBSTITUTE ENVIRONMENTAL DOCUMENTATION.

DISCUSSION

The State Water Resources Control Board (State Water Board) staff propose to amend the Policy for Water Quality Control for Recycled Water (Recycled Water Policy) to provide statewide consistency for permit requirements for recycled water projects and to promote production and use of recycled water in a manner that is protective of human health and the environment. The proposed amendment: 1) removes statewide recycled water mandates, 2) sets narrative goals for the production and use of recycled water, 3) establishes treated wastewater and recycled water reporting requirements statewide, 4) clarifies the process for recycled water project proponents to comply with Water Code section 1211 for wastewater change petitions, 5) updates requirements for salt and nutrient management planning, 6) improves consistency in permitting of recycled water projects by encouraging the use of statewide water reclamation requirements for non-potable recycled water use, removing streamlined permitting criteria for landscape irrigation recycled water projects, and adding permitting guidance for reservoir water augmentation projects, 7) updates monitoring requirements for constituents of emerging concern (CECs) in recycled water used for groundwater recharge and reservoir water augmentation, and 8) incorporates other substantive and non-substantive changes.

The Recycled Water Policy was adopted by the State Water Board on February 3, 2009. The Recycled Water Policy was amended on January 22, 2013 to provide direction to the nine regional water quality control boards (regional water boards) on monitoring requirements for CECs in recycled water used for groundwater recharge. The Recycled Water Policy includes provisions that require staff to reconvene a science advisory panel every five years to provide guidance on future actions related to CECs in recycled water. Since the Recycled Water Policy was last updated in 2013, there have been significant advancements in recycled water regulations and research, including the adoption of regulations for reservoir water augmentation (formerly, surface water augmentation), the adoption of [Order WQ 2016-0068-DDW](#), Water Reclamation Requirements for Recycled Water Use, which covers non-potable uses of recycled water, the stakeholder-driven development of salt and nutrient management plans for basins or sub-basins, and ongoing research on CECs. [Resolution No. 2016-0061](#) directed staff to consider these advancements, conduct stakeholder outreach, reconvene a science advisory panel on CECs in recycled water (Panel), and to update the Recycled Water Policy.

The State Water Board held early public consultation meetings pursuant to the California Environmental Quality Act on December 1, 2017 in Sacramento and December 5, 2017 in San Diego. The State Water Board also held public stakeholder workshops on January 4, 2018 in Sacramento and January 11, 2018 in Fountain Valley. State Water Board staff considered

feedback from these public meetings as well as recommendations from the Panel and prepared an Amendment to the Recycled Water Policy (Amendment) and Staff Report with Substitute Environmental Documentation (hereafter, Staff Report). A written public comment period was held from May 9, 2018 to June 26, 2018. The State Water Board held a hearing on June 19, 2018 to consider public comments on the Amendment and Staff Report. Forty-three timely comment letters were received. Staff coordinated additional focused stakeholder meetings throughout July, August, and September 2018.

State Water Board staff convened the Panel of subject matter experts in June of 2017 to review the current state of scientific knowledge related to the health risks associated with CECs and CEC data from existing monitoring programs and to develop recommendations for monitoring for CECs in recycled water for non-potable and potable uses (e.g., landscape and agricultural irrigation, recreational impoundment, groundwater recharge, reservoir water augmentation). The Panel process included stakeholder outreach and an open forum for the public to discuss issues with Panel members and provide input and feedback throughout the process, which included public meetings on July 19, July 21, and December 15, 2017. The Panel released a draft report for a 30-day public comment period on January 31, 2018. The Panel considered the public comments and released the final report on April 27, 2018 and a memo to clarify recommended bioscreening endpoints on May 18, 2018. State Water Board staff held a staff workshop with the Panel on June 11, 2018 in Costa Mesa to discuss the Panel's and staff's recommendations for bioanalytical screening tools. The Panel used a risk-based framework and recommended targeted and bioanalytical monitoring for CECs for potable use of recycled water. State Water Board staff considered the Panel recommendations when drafting the Amendment and Staff Report.

On July 13, 2018, the State Water Board Division of Drinking Water issued Notification Levels for perfluorooctanesulfonic acid (PFOS) and for perfluorooctanoic acid (PFOA). State Water Board staff requested the Panel re-evaluate PFOS and PFOA considering the new Notification Levels and determine if they should be added to the CEC monitoring list in the Amendment. Upon review, the Panel recommended adding PFOS and PFOA to the CEC monitoring list for potable recycled water projects. Staff incorporated the Panel's recommendations in the revised May 9th, 2018 Amendment and Staff Report and released the documents for a second comment period from August 27, 2018 to September 10, 2018. Nine timely comment letters were received. Concurrently, State Water Board staff conducted external scientific peer review of the revised Amendment and Staff Report pursuant to the requirements of Health and Safety Code Section 57004.

Staff prepared responses to comments received during the May 9, 2018 comment period, the August 27, 2018 comment period, and comments received from the peer reviewers and revised the Amendment and Staff Report considering the feedback that was received. The revised Amendment, Staff Report, and responses to comments were made available to the public prior to the board meeting at which the State Water Board would consider adopting the resolution to amend the Recycled Water Policy.

POLICY ISSUE

Should the State Water Board adopt a resolution to amend the Water Quality Control Policy for Recycled Water and adopt the Staff Report with Substitute Environmental Documentation?

FISCAL IMPACT

Yes; the regional water boards will require additional resources to implement the proposed amendment.

REGIONAL BOARD IMPACT

Yes; if adopted, the Amendment would require regional water boards to 1) identify basins within their region needing a salt and nutrient management plan, 2) review proposed salt and nutrient management plans in accordance with the requirements of the Amendment and make a determination through a resolution regarding acceptance of the plan, including whether an amendment to a water quality control plan may be required to implement the plan, 3) assess data generated from salt and nutrient management plans every five years to determine whether updates or revisions to the salt and nutrient management plan may be warranted, and 4) update recycled water orders and permits and/or associated monitoring reporting programs for consistency with the Recycled Water Policy and California Code of Regulations, title 22.

If adopted, the Amendment would also require the State Water Board to 1) review California Code of Regulations, title 22 engineering reports for recycled water permits issued prior to 2000 for consistency with all applicable regulations (Division of Drinking Water), 2) implement a statewide recycled water and wastewater reporting and tracking system (Division of Water Quality), and 3) make a determination of concurrence with self-assessments conducted by proposed recycled water projects when an approved wastewater change petition is not needed prior to moving forward with the project (Division of Water Rights).

STAFF RECOMMENDATION

That the State Water Board:

1. Adopt the resolution to amend the Policy for Water Quality Control for Recycled Water and adopt the Staff Report with Substitute Environmental Documentation; and
2. Authorize the Executive Director or designee to submit the adopted Amendment, Staff Report with Substitute Environmental Documentation, and the administrative record for this action to the Office of Administrative Law for approval.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal(s) 2, 3, 4, and 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling Objective 3.2 to increase the acceptance and promote the use of recycled water and the reuse of stormwater as locally available, sustainable water supplies consistent with the Climate Change Draft Scoping Plan developed pursuant to the California Global Warming Solutions Act of 2006 (AB 32) and other relevant State and regional efforts.</p>
